

**FEDERAL SECURITY AGENCY**

**FOOD AND DRUG ADMINISTRATION**

**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

4901-5100

**FOODS**

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., May 9, 1944.

**CONTENTS**

Page		Page
119	Beverages and beverage materials.....	147
120	Cereal and cereal products.....	153
120	Flour .....	153
123	Corn Meal .....	153
124	Bakery products .....	153
127	Miscellaneous cereal products.....	154
130	Chocolate and sugar products.....	157
130	Candy .....	160
133	Chocolate products .....	161
134	Sugar .....	166
135	Dairy products .....	167
135	Butter .....	172
138	Cheese .....	174
140	Miscellaneous dairy products.....	176
141	Eggs .....	176
143	Feed .....	176
144	Fish and shellfish.....	
	Flavors and spices.....	
	Fruits and vegetables.....	
	Canned fruit .....	
	Fresh fruit .....	
	Frozen fruit .....	
	Miscellaneous fruit products.....	
	Canned vegetables .....	
	Miscellaneous vegetable products.....	
	Tomatoes and tomato products.....	
	Meat and poultry.....	
	Nuts and nut products.....	
	Oils and fats.....	
	Vitamin preparations and foods for special dietary uses .....	
	Miscellaneous food products.....	
	Gift packages .....	

**BEVERAGES AND BEVERAGE MATERIALS**

4901. Adulteration and misbranding of Sunway-Crystals. U. S. v. 103 Cases of Sunway-Crystals. Decree of condemnation and destruction. (F. D. C. No. 4759, Sample No. 56585-E.)

On May 15, 1941, the United States attorney for the Northern District of New York filed a libel against 103 cases of Sunway-Crystals, alleging that the article had been shipped in interstate commerce on or about November 15, 1940, by Sunway Fruit Products, Inc., from Chicago, Ill.; and charging that it was adulterated and misbranded. The article was labeled in part: "Sunway-Crystals Lemon Flavor \* \* \* prepared from dehydrated lemon juice, citric acid from citrus fruits, corn sugar, lemon oil, and certified color added. \* \* \* One-half teaspoonful will make an 8-ounce glass of lemonade if sugar is added."

The article was alleged to be adulterated in that an artificially colored mixture of citric acid with dextrose, calcium phosphate, lemon oil, and a small amount of dehydrated lemon juice had been substituted for dehydrated lemon juice, which it purported to be by its appearance and the label representations that it would make lemonade.

The article was alleged to be misbranded (1) in that the statement "Crystals Lemon Flavor \* \* \* will make \* \* \* lemonade" was false and misleading since it would not produce lemonade, but would produce imitation lemonade; (2) in that the statement "prepared from dehydrated lemon juice, citric acid from citrus fruits, corn sugar, lemon oil, and certified color added" was false and misleading because calcium

phosphate, one of the ingredients, was not declared; (3) in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated; and (4) in that it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

On June 12, 1941, the consignee, through an attorney, filed an answer which did not deny the material allegations of the libel. On March 3, 1943, the United States attorney, having filed a motion for judgment and no appearance having been made by the intervenor, a decree of condemnation was entered and the product was ordered destroyed.

**4902. Misbranding of coffee. U. S. v. David Baron (Baron Coffee Co.). Plea of guilty. Fine, \$600.** (F. D. C. No. 9616. Sample Nos. 18686-F, 18687-F, 18710-F.)

On April 17, 1943, the United States attorney for the District of Connecticut filed an information against David Baron, trading as the Baron Coffee Co. at Hartford, Conn., alleging shipment within the period from on or about November 18 to December 12, 1942, from the State of Connecticut into the State of Massachusetts of quantities of coffee that was misbranded. The article was labeled in part: "Baronet \* \* \* Coffee." Two of the shipments bore the statement "With Chick - Peas," inconspicuously stamped on the bag.

One lot was alleged to be misbranded (1) in that the statement "Coffee" borne on the bags was false and misleading as applied to an article consisting in part of ground chick-peas; (2) in that it was a mixture of ground roasted coffee and ground roasted chick-peas and was offered for sale under the name of another food, coffee; and (3) in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each such ingredient.

The remaining lots of the article were alleged to be misbranded (1) in that it consisted of ground roasted coffee and ground roasted chick-peas and was offered for sale under the name of another food, coffee; and (2) in that it was fabricated from two or more ingredients, coffee and chick-peas, and the common or usual name of each of these ingredients was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, in that the common or usual name of one of the ingredients of the food, chick-peas, was inconspicuously rubber-stamped upon the bags containing the article.

On May 25, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$600.

**4903. Misbranding of coffee substitute. U. S. v. 47 Cases of Coffee-Savr. Default decree of condemnation and destruction.** (F. D. C. No. 9577. Sample No. 7997-F.)

On March 18, 1943, the United States attorney for the District of Minnesota filed a libel against 47 cases, each containing 36 bags, of Coffee-Savr at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about February 23 and March 1, 1943, by the Frank R. Prina Corporation from New York, N. Y.; and charging that it was misbranded. The article was labeled in part: "For 'Goodness' Sake Use 'Coffee-Savr' \* \* \* Prina's Pure Processed Nature's Vitamineralized Cereal Fresh Roasted Ground Coffee Savr."

The article was alleged to be misbranded (1) in that the word "Vitamineralized" was misleading since it suggested and created the impression that the article contained added vitamins and minerals, whereas it did not contain added vitamins and minerals; (2) in that the designation "Coffee-Savr" was misleading as applied to an article which consisted essentially of roasted wheat; and (3) in that its label failed to bear the common or usual name of the food, roasted wheat.

On June 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## CEREAL AND CEREAL PRODUCTS

### FLOUR

Nos. 4904 to 4914 report legal actions involving flour, samples of which were found to contain one or more kinds of filth, such as beetles, larvae, weevils, and other insects, cast skins, rodent and insect excreta, rodent hairs, and hairs resembling rodent hairs. In most instances the time of contamination was not determined.

**4904. Adulteration of flour. U. S. v. 92 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 9384. Sample No. 9587-F.)

On February 15, 1943, the United States attorney for the Western District of Louisiana filed a libel against 92 20-pound bags of flour at Opelousas, La., alleging